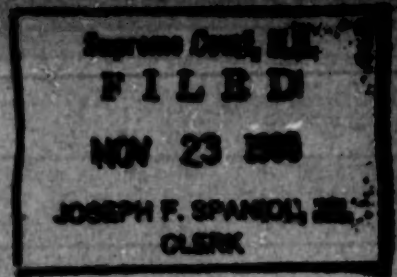


No. 87-1661

10



IN THE
Supreme Court of the United States
OCTOBER TERM, 1988

ASARCO INCORPORATED, CAN-AM CORPORATION,
MAGMA COPPER COMPANY, and JAMES P.L. SULLIVAN,
Petitioners,

v.

FRANK and LORAIN KADISH, *et al.*,
Respondents.

On Writ of Certiorari to the
Supreme Court of the State of Arizona

JOINT APPENDIX

DAVID S. BARON *
Arizona Center for Law
in the Public Interest
3208 East Fort Lowell #106
Tucson, Arizona 85716
(602) 327-9547

Counsel for Respondents

* Counsel of Record

DANIEL M. GRIBBON *
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044
(202) 662-6000

Counsel for Petitioners

TABLE OF CONTENTS

	Page
Chronological List of Docket Entries in the Superior Court of Arizona, Maricopa County	1
Chronological List of Docket Entries in the Arizona Court of Appeals, Division One	10
Chronological List of Docket Entries in the Supreme Court of Arizona	13
Order of the Supreme Court of the United States Granting the Petition for a Writ of Certiorari, filed October 11, 1988	18

NOTE: The following opinions, judgments and orders have been omitted in the printing of this Joint Appendix because they appear on the following pages in the appendices to the Petition for Certiorari filed on April 8, 1988:

	Page of the Petition
Opinion of the Supreme Court of Arizona	1a
On page 10a of the opinion of the Arizona Supreme Court there is a typographical error. The word "not" in line 4 should read "now".	
Opinion of the Superior Court of Arizona, Maricopa County	37a
Judgment of the Superior Court of Arizona, Maricopa County	40a
Order of the Supreme Court of Arizona Denying Motion for Reconsideration of Attorneys' Fees	44a

IN THE SUPERIOR COURT OF THE
STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

—
No. C-433745
9/27/85
—

FRANK and LORAIN KADISH; MARION L. PICKENS; and
the ARIZONA EDUCATION ASSOCIATION, a nonprofit corp.,
Plaintiffs,

vs.

ARIZONA STATE LAND DEPARTMENT, an agency of the
State of Arizona; ROBERT LANE, in his capacity as the
State Land Commissioner; and CYPRUS PIMA MINING
COMPANY, on behalf of itself and others similarly sit-
uated,

Defendants.

—
DOCKET ENTRIES

Date Filed	Item No.	Filings—Proceedings
Apr. 16, 1981	1	COMPLAINT
May 8, 1981	2	SUMMONS
May 22, 1981	3	ANSWER OF CYPRUS PIMA MIN- ING COMPANY
June 26, 1981	4	ASARCO'S MOTION TO INTER- VENE
June 26, 1981	5	ASARCO'S FIRST MOTION TO DIS- MISS
July 2, 1981	6	MOTION TO DISMISS

Date Filed	Item No.	Filings—Proceedings
July 24, 1981	7	PLAINTIFFS' MEMORANDUM IN RESPONSE TO ASARCO'S MOTION TO INTERVENE
July 24, 1981	8	PLAINTIFFS' MEMORANDUM IN RESPONSE TO FIRST MOTION TO DISMISS OF ASARCO AND CYPRUS PIMA MINING CO.
July 28, 1981	9	MAGMA COPPER COMPANY'S MOTION TO INTERVENE
July 28, 1981	10	MAGMA COPPER COMPANY'S FIRST MOTION TO DISMISS
Aug. 3, 1981	11	ANSWER
Aug. 13, 1981	12	PLAINTIFFS' MEMORANDUM IN RESPONSE TO MAGMA COPPER COMPANY'S MOTION TO INTERVENE AND FIRST MOTION TO DISMISS
Aug. 13, 1981	13	ASARCO'S REPLY TO PLAINTIFFS' RESPONSE TO ASARCO'S MOTION TO INTERVENE
Aug. 13, 1981	14	ASARCO'S REPLY TO PLAINTIFF'S RESPONSE TO ASARCO'S FIRST MOTION TO DISMISS
Aug. 14, 1981	15	MAGMA'S REPLY TO PLAINTIFF'S RESPONSE TO MAGMA'S MOTION TO INTERVENE AND FIRST MOTION TO DISMISS
Apr. 21, 1982	16	SEPARATE ANSWER OF ASARCO
May 11, 1982	17	NOTICE OF ASSOCIATION OF COUNSEL
May 14, 1982	18	SEPARATE ANSWER OF MAGMA COPPER COMPANY
June 10, 1982	19	LETTER

Date Filed	Item No.	Filings—Proceedings
June 21, 1982	20	CREDIT MEMO
July 12, 1982	21	ORDER
Aug. 30, 1982	22	MOTION FOR WITHDRAWAL OF COUNSEL
Aug. 30, 1982	23	ORDER
Aug. 30, 1982	24	ORDER UNSIGNED
Aug. 30, 1982	25	LETTER
Aug. 30, 1982	26	STIPULATION
Dec. 9, 1982	27	PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT ROBERT LANE, ACTING STATE LAND COMMISSIONER
Jan. 21, 1983	28	PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO INTERVENOR MAGMA COPPER COMPANY
Jan. 21, 1983	29	PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO INTERVENOR ASARCO, INCORPORATED
Jan. 21, 1983	30	PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT CYPRUS PIMA MINING COMPANY
Feb. 16, 1983	31	RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS
Feb. 17, 1983	32	ASARCO'S MOTION FOR PROTECTIVE ORDER

Date Filed	Item No.	Filings—Proceedings
Feb. 18, 1983	33	CYPRUS PIMA MINING COMPANY'S OBJECTIONS TO PLAINTIFFS' FIRST SET OF NON-UNIFORM INTERROGATORIES TO CYPRUS PIMA AND TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS FROM CYPRUS PIMA
Feb. 18, 1983	34	CYPRUS PIMA MINING COMPANY'S MOTION FOR PROTECTIVE ORDER
Feb. 23, 1983	35	MAGMA COPPER COMPANY'S MOTION FOR PROTECTIVE ORDER
Feb. 24, 1983	36	ASARCO INCORPORATED'S OBJECTIONS TO PLAINTIFFS' FIRST SET OF NON-UNIFORM INTERROGATORIES TO ASARCO INCORPORATED AND TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO ASARCO INCORPORATED
Feb. 28, 1983	37	RESPONSE TO MOTIONS FOR PROTECTIVE ORDERS AND TO OBJECTIONS OF DEFENDANT CYPRUS PIMA MINING COMPANY
Mar. 22, 1983	38	LETTER
Mar. 30, 1983	39	STIPULATION
Apr. 14, 1983	40	CYPRUS PIMA MINING CO.'S MOTION FOR SUBSTITUTION OF COUNSEL
May 26, 1983	41	MOTION TO CERTIFY CLASS ACTION
June 17, 1983	42	LETTER

Date Filed	Item No.	Filings—Proceedings
June 23, 1983	43	CYPRUS PIMA'S RESPONSE TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION
July 6, 1983	44	PLAINTIFFS' REPLY MEMORANDUM IN SUPPORT OF THE MOTION TO CERTIFY CLASS ACTION
July 7, 1983	45	SUPPORTING AFFIDAVIT OF MICHAEL D. MARTIN
Sep. 6, 1983	46	LETTER
Sep. 30, 1983	47	PROPOSED FORM OF CLASS CERTIFICATION ORDER AND PLAN FOR NOTICE TO CLASS
Oct. 11, 1983	48	CYPRUS PIMA'S OBJECTIONS TO PROPOSED FORM OF CLASS CERTIFICATION ORDER AND PLAN FOR NOTICE TO CLASS
Oct. 24, 1983	49	PLAINTIFFS' REPLY TO CYPRUS PIMA'S OBJECTIONS
Nov. 21, 1983	50	CYPRUS PIMA'S REPLY RE PROPOSED CLASS CERTIFICATION ORDER AND NOTICE
Dec. 5, 1983	51	REQUEST FOR LEAVE TO FILE REPLY
Jan. 3, 1984	52	STIPULATION
Jan. 30, 1984	53	LETTER
Jan. 30, 1984	54	REPLY TO CYPRUS PIMA'S SECOND RESPONSE
Jan. 30, 1984	55	NOTICE OF CLASS ACTION CERTIFICATION
Jan. 30, 1984	56	ORDER CERTIFYING CLASS ACTION AND DIRECTING NOTICE

Date Filed	Item No.	Filings—Proceedings
Feb. 9, 1984	57	REQUEST TO INTERVENE
Feb. 14, 1984	58	AFFIDAVIT
Feb. 14, 1984	59	ASARCO'S RESPONSE TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
Feb. 21, 1984	60	MOTION TO EXTEND TIME FOR RESPONSE TO MOTION TO INTERVENE
Mar. 5, 1984	61	CYPRUS PIMA'S RESPONSE TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
Mar. 16, 1984	62	EISENHOWER MINING COMPANY'S MOTION TO INTERVENE
Mar. 16, 1984	63	SEPARATE ANSWER OF EISENHOWER MINING COMPANY
Mar. 19, 1984	64	MOTION FOR RECONSIDERATION
Mar. 23, 1984	65	AFFIDAVIT
Mar. 23, 1984	66	RESPONSE TO THE MOTION FOR RECONSIDERATION
Mar. 26, 1984	67	RESPONSE TO EISENHOWER MINING COMPANY'S MOTION TO INTERVENE
Apr. 6, 1984	68	SUPPLEMENTAL RESPONSE TO MOTIONS TO INTERVENE
Apr. 13, 1984	69	SEPARATE ANSWER OF JAMES P. L. SULLIVAN
Apr. 17, 1984	70	EISENHOWER MINING COMPANY'S REPLY TO PLAINTIFF'S SUPPLEMENTAL RESPONSE TO INTERVENE

Date Filed	Item No.	Filings—Proceedings
Apr. 23, 1984	71	CAN-AM CORPORATION'S MOTION TO INTERVENE
Apr. 24, 1984	72	SEPARATE ANSWER OF JAMES P. L. SULLIVAN
May 3, 1984	73	MOTION FOR LEAVE TO WITHDRAW AS COUNSEL
May 3, 1984	74	OPPOSITION TO CAN-AM CORPORATION'S MOTION TO INTERVENE
May 7, 1984	75	PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT
May 8, 1984	76	REPLY IN SUPPORT OF CAN-AM CORPORATION'S MOTION TO INTERVENE
May 18, 1984	77	STIPULATION AND ORDER
May 18, 1984	78	ASARCO INCORPORATED'S AND EISENHOWER MINING COMPANY'S MOTION TO DISMISS
May 18, 1984	79	NOTICE OF CHANGE OF JUDGE
June 1, 1984	80	STIPULATION AND ORDER
June 8, 1984	81	STIPULATION AND ORDER
June 21, 1984	82	APPENDIX TO MAGMA COPPER COMPANY'S RESPONSE TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT
June 21, 1984	83	MAGMA COPPER COMPANY'S RESPONSE TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT
June 22, 1984	84	PLAINTIFFS' RESPONSE TO MAGMA'S MOTION FOR SUMMARY JUDGMENT

Date Filed	Item No.	Filings—Proceedings
June 22, 1984	85	OPPOSITION TO ASARCO AND EISENHOWER MOTION TO DISMISS
June 28, 1984	85A	SEPARATE ANSWER OF CAN-AM CORPORATION
July 19, 1984	86	CYPRUS PIMA'S SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
July 23, 1985	87	STATE DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND REPLY TO PLAINTIFFS' RESPONSE TO MOTIONS TO DISMISS BY INTERVENORS MAGMA, ASARCO AND EISENHOWER
Aug. 2, 1985	88	ASARCO INCORPORATED'S AND EISENHOWER MINING COMPANY'S REPLY TO PLAINTIFFS' OPPOSITION TO MOTION TO DISMISS
Aug. 6, 1984	89	PLAINTIFFS' REPLY TO MAGMA RESPONSE TO MOTION FOR PARTIAL SUMMARY JUDGMENT
Sep. 24, 1984	90	REQUEST FOR EXTENSION OF TIME FOR MOTION TO SET
Jan. 2, 1985	55M	MINUTE ENTRY ON MOTION FOR SUMMARY JUDGMENT
Feb. 28, 1985	91	STIPULATION FOR SUBSTITUTION OF COUNSEL AND ORDER
Mar. 6, 1985	92	NOTICE OF SUBSTITUTION OF COUNSEL

Date Filed	Item No.	Filings—Proceedings
June 4, 1985	93	ORDER
June 4, 1985	94	STIPULATION AND ORDER
July 22, 1985	95	JUDGMENT
July 23, 1985	96	OBJECTION TO PROPOSED JUDGMENT
Aug. 19, 1985	97	NOTICE OF APPEAL
Aug. 19, 1985	98	BOND FOR COSTS ON APPEAL BOND #927 58 84
Aug. 26, 1985	99	DESIGNATION REGARDING TRANSCRIPT
Oct. 15, 1985	100	APPENDIX TO MAGMA COPPER COMPANY'S MOTION FOR SUMMARY JUDGMENT [Dated May 7, 1984] (Original unavailable from microfilm and hard copy filed. Copy submitted by the attorneys for Intervenor Magma Copper Company).
Oct. 18, 1985	101	MAGMA COPPER COMPANY'S MOTION FOR SUMMARY JUDGMENT [Dated May 7, 1984] (Original unavailable from microfilm and hard copy file. Copy submitted by the attorneys for Intervenor Magma Copper Company).
May 26, 1988		ORDER and JUDGMENT UNDER SEPARATE COVER, WITH LETTER OF CERTIFICATION, ARE MINUTE ENTRIES PAGES 1 THROUGH 59. SUBMITTED IN BOOK FORM
Aug. 2, 1984	1	MAGMA COPPER COMPANY'S REPLY TO PLAINTIFFS' RESPONSE TO MAGMA'S MOTION FOR SUMMARY JUDGMENT

**IN THE ARIZONA COURT OF APPEALS
DIVISION ONE**

Case No. 1-CA-CIV-8616

Date	FILINGS—PROCEEDINGS
1985	
10/29	RECORD ON APPEAL (Instruments (three parts), (1 vol. submitted in Book form, filed 8/2/84) : Minute Entries) : \$500 cost bond, filed 8/19/85) :
10/29	SUPPLEMENTAL INDEX
10/29	ADDITIONAL INSTRUMENT, filed 10/15/85, Sup Ct. RE: Magma Copper Companys Motion for Summary Judgment
10/29	ADDITIONAL INSTRUMENT, filed 10/15/85, Sup Ct. RE: Magma Copper Companys Motion for Summary Judgment
10/29	ADDITIONAL INSTRUMENT, filed 8/2/84, Sup Ct. RE: Magma Copper Companys reply to Plaintiffs response to Magma's Motion for Summary Judgment
10/31	NOTICE TO COUNSEL (12/2/85)
11/29	APPELLANTS OPENING BRIEF(7) (1/3/86)
12/31	STIPULATION ON BRIEFING SCHEDULE-ORDER that the appellees shall have until January 31, 1986 to mail their briefs to the Court and to all other parties, and that the Appellants shall have until March 3, 1986 to mail their reply brief to the Court and to all other parties. (Chief Judge Froeb) (1/31/86) (3/3/86)
1986	
1/30	ANSWERING BRIEF OF DEFENDANT APPELLEE CYPRUS PIMA MINING COMPANY AND INTERVENORS APPELLEES ASARCO INCORPORATED AND EISENHOWER MINING COMPANY (7) (2/19/86)

Date	FILINGS—PROCEEDINGS
1986	
1/31	STATE APPELLEES BRIEF (7) (2/20/86)
1/31	ANSWERING BRIEF OF INTERVENOR APPELLEE MAGMA COPPER COMPANY (7) (2/20/86)
1/31	ANSWERING BRIEF OF CAN AM CORPORATION (7) (2/20/86)
2/3	Copy of letter, 1/29/86, to Howard A. Twitty, RE: length of briefs from Assistant Director of Arizona Center for Law in the Public Interest, David S. Baron
2/3	Letter, 1/31/86, to Clerk of the Court, RE: length of briefs, and the above letter, mentioning the length of briefs, exceeding page limit, from Howard A. Twitty
3/3	APPELLANTS' REPLY BRIEF (7) AT ISSUE (3/3/86)
3/3	REQUEST FOR ORAL ARGUMENT (Appellants)
3/4	AT ISSUE NOTICE TO COUNSEL w/PROCEDURE B
3/7	REQUEST FOR ORAL ARGUMENT (Intervenor Appellee, Magma Copper Co)
4/4	PETITION FOR TRANSFER TO SUPREME COURT (Arizona Center for Law in the Public Interest) (Appellant)
4/24	ASC, M.E., 4/23/86, ORDERED: Petition for Transfer to Supreme Court-GRANTED. CV-86-0238-T (formerly T-86-0007-CV)
4/25	Letter, 4/25/86, pursuant to letter of 4/22/86, Petition for Transfer GRANTED, record to ASC

Date FILINGS—PROCEEDINGS

1987

12/11 ASC OPINION (REVERSED AND REMANDED)
Stanley G. Feldman, Vice Chief Justice, CONCUR-
RING: Frank X. Gordon, Jr., Chief Justice, William
A. Holohan, DISSENTING: James Duke Cameron,
Justice

1988

2/9 ASC, M.E. 2/3/88, to Clerk of Mar Cty Superior
Court, enclosing Mandate with a copy of Opinion
handed down by this Court in the above referenced
matter. We are returning your record as follows:
CV-86-0238-T

IN THE SUPREME COURT OF ARIZONA

Case No. CV-86-0238-T/AP

Date/ Init	Item	FILINGS—PROCEEDINGS
4/03/86 jr	1	Petition for transfer to Supreme Court [Appellants Kadish/Pickens/AZ Ed Assn]
4/04/86 jr	2	Response Opposing Petition for Transfer to Supreme Court [Appellees Cyprus Pima Mining/ASARCO/Magma Copper/Eisen- hower Mining]
4/14/86 jr	3	Appellants' Reply In support of Petition for Transfer [Kadish/Pickens]AZ Ed Assn]
4/22/86 jr	4	ORDERED: Petition for Transfer to Su- preme Court—GRANTED
4/28/86 jr	5	Request for Oral Argument [Appellees Cyprus Pima Mining/ASARCO/Magma Copper/Eisenhower Mining]
7/23/86 kk	6	Motion of the New Mexico Commissioner of Public Lands, Jim Baca, for Leave to File Amicus Curiae Brief [Brief Rec'd]
7/25/86 kk	7	ORDERED: Motion is granted [WAH] [See Dkt #6]
7/25/86 kk	8	AMICUS CURIAE BRIEF OF THE NEW MEXICO COMMISSIONER OF PUBLIC LANDS, JIM BACA
8/21/86 ds	9	MEMO TO FILE: Counsel notified by telephone of OA—October 17, 1986, at UofA, Tucson
9/08/86 ds	10	Motion for Allowance of Attorneys' Fees [Appellants Kadish/Pickens/Az Education Assn]

Date/ Init	Item	FILINGS—PROCEEDINGS
9/12/86 ds	11	Stipulation for Extension of Time
9/12/86 ds	12	Motion for Extension of Time [Appellee Az State Land Dept]
9/16/86 ds	13	The court having reviewed Defendant-Appellee Arizona State Land Department's Motion for Extension of Time in connection with its Response to Motion for Allowance of Attorney's Fees, as well as
9/16/86 ds	13A	the Stipulation for Extension of Time filed by Plaintiffs-Appellants and Defendant-Appellee Arizona State Land Department, IT IS ORDERED granting the Motion for Extension of
9/16/86 ds	13B	Time. FURTHER ORDERED that the Response to Motion for Allowance of Attorneys' Fees will be filed on or before 9/26/86. FURTHER ORDERED that Plaintiffs-Appellants may have until 10/2/86 to
9/16/86 ds	13C	reply to Response. [WAH]
9/16/86 ds	14	NOTICE OF ORAL ARGUMENT: Set for Friday, October 17, 1986, at 10:00 a.m. at the COLLEGE OF LAW, UNIVERSITY OF ARIZONA, TUCSON [25 min per side]
9/16/86 ds	15	Application for Permission to File a Response to the Amicus Curiae Brief of the New Mexico Commissioner of Public Lands
9/16/86 ds	15A	[Appellees Cyprus Pima Mining Co/ASARCO Incorp/Eisenhower Mining Co/Magma Copper Co/Sullivan/Can-Am Corp]

Date/ Init	Item	FILINGS—PROCEEDINGS
9/18/86 ds	16	IT IS ORDERED granting Defendants-Appellees' "Application for Permission to File a Response to the Amicus Curiae Brief of the New Mexico Commissioner of Public Lands". [WAH]
9/18/86 ds	17	Response to Amicus Curiae Brief of the New Mexico Commissioner of Public Lands [Appellees Cyprus Pima Mining Co/ASARCO Incorp/Eisenhower Mining Co/Magma Copper Co/Sullivan/Can-Am Corp]
9/24/86 kk	18	Motion of Amicus Curiae for Leave to File a Reply Brief [NM Comm of Public Lands]
9/26/86 kk	19	ORDERED: Motion is denied. [See Dkt #18]
9/26/86 kk	20	Response to Motion for Allowance of Attorney's Fees [Appellees Az State Land Dept]
10/02/86 kk	21	Reply in Support of Motion for Allowance of Attorneys' Fees [Appellants Kadish/Pickens/Az Ed Assn]
10/17/86 ls	22	Oral Argument—submitted for decision en banc
12/10/87 ls	23	OPINION—The judgment of the trial court is reversed. The case is remanded with instructions. (Feldman); Justice James Moeller did not participate in the determination of this matter; Dissent (Cameron)
12/10/87 ls	23A	Opinion Distribution List [T 12/28/87]
12/21/87 jh	24	Appellants' Statement of Costs [Kadish/Pickens/AZ Ed Assn] [T 1/4/88]
12/24/87 jh	25	Motion for Reconsideration on the Issue of Attorneys' Fees [Appellants Kadish/Pickens/AZ Ed Assn] [T 1/12/87]

Date/ Init	Item	FILINGS—PROCEEDINGS
1/12/88 jd	26	State's Response to Motion for Reconsideration on the Issue of Attorney's Fees [Appellee]
1/25/88 kk	27	Motion for Leave to File Reply [Appellants Kadish] [Reply Rec'd]
2/02/88 pr	28	ORDERED: Motion for Reconsideration on the Issue of Attorneys' Fees [Appellants Kadish/Pickens/AZ Ed Assn]—DENIED. FURTHER ORDERED: Motion for Leave to File Reply [Appellants Kadish]—GRANTED. Justice Moeller did not participate in the
2/02/88 pr	28A	determination of this matter.
2/02/88 pr	29	Reply in Support of Motion for Reconsideration on the Issue of Attorney's Fees [Appellants Kadish et al] [permission granted 2/2/88]
2/03/88 pr	30	MANDATE Issued Mandate and copy of Opinion together with record to the trial court.
2/03/88 pr	30A	
4/25/86 jr	999	*****
4/25/86 jr	999A	Record on Appeal: MCSC: Instruments (4 parts—part 4 in 3 books); Minute Entries; CofA: Instruments; Appellants' Opening Brief (7); Answering Brief of Def-Appellee Cyprus Pima Mining
4/25/86 jr	999B	Co. & Intervenor-Appellees ASARCO Inc. & Eisenhower Mining Co. (7) State Appellees' Brief (7); Answering Brief of Intervenor-Appellee Magma Copper Company (7); Answering Brief of Can-Am Corp

Date/ Init	Item	FILINGS—PROCEEDINGS
4/25/86 jr	999C	(7) Answering Appellants' Reply Brief (7)
2/03/88 pr	999	Record return to the trial court: Instr (4 parts [part 4 in 3 books]); MEs

SUPREME COURT OF THE UNITED STATES

No. 87-1661

ASARCO INCORPORATED, *et al.*,
Petitioners

v.

FRANK KADISH, ET UX., *et al.*

ORDER ALLOWING CERTIORARI

Filed October 11, 1988

The petition herein for a writ of certiorari to the Supreme Court of Arizona is granted.

October 11, 1988

Justice O'Connor took no part in the consideration or decision of this petition.